

REMARKS

In the Office Action mailed March 8, 2006 Claims 1-10, 12-18 and 20-25 are currently pending. Claims 6-10 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 4, 5, 7, 9, 16 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3-6, 8-10 and 12, 14-18, 23 and 25 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Kracht (US Patent No. 6,516,345). Claim 20 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kracht (US Patent No. 6,516,345).

Applicants respectively traverse. After a careful review of the Office Action, the cited references, and Applicants' claim clarifications, Applicants respectively request reconsideration in view of the following remarks.

I. CLAIM REJECTIONS UNDER 35 U.S.C. 101

Claims 6-10 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants have cancelled claims 6-10 and 25 without prejudice.

II. CLAIM REJECTIONS UNDER 35 U.S.C. 112

Claims 4, 5, 7, 9, 16 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have cancelled claims 6-10 and 25 without prejudice. Applicants have clarified the claim language of pending claims 4, 5, 23 and 24.

III. CLAIM REJECTIONS UNDER 35 U.S.C. 102(e)

Claims 1, 3-6, 8-10 and 12, 14-18, 23 and 25 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Kracht (US Patent No. 6,516,345). Applicants respectively traverse.

As noted in Applicants' Response dated January 13, 2006, Applicants submit that Kracht does not teach "[a] method of discovery and display of one or more phones on a computer network," including "discovering a phone by means of a first protocol," "using discovered information to insert an icon representing the phone in the relevant position in a display of the topology of the network," and "discovering other devices on the network using a different protocol," as in claim 1 and similarly in claim 6 and 12.

Kracht teaches a discovery mechanism to discover known devices by first contacting an Simple Network Management Protocol (SNMP) agent of each device associated with a network address to request identification information from the SNMP agent. (Col. 4). If the SNMP agent of a device associated with a network address responds to a SNMP request, the device is discovered by (i) identifying the device type based on the information contained in the response, and (ii) gathering additional information associated with the device using one or more protocols, such as SNMP and/or Cisco Discovery Protocol (CDP). (Col. 7-15). Then, after discovery the identity associated with the known device is used to create a topology of the network. (Col. 15).

The Examiner previously suggested that Kracht teaches a method of discovering a phone by means of a first protocol and gave a reference to column 6, line 51 to column 7, line 5 and column 18, lines 56-67. The Kracht specification discusses discovering objects on a network. Kracht does not seek to discover phones and to put an icon relating to a phone onto the network. Column 6, line 51 to column 7, line 5 does not refer to a phone at all. The reference to phones is

in column 18, but that is only in respect of a means to connect the network to the internet rather than a straight forward phone. In other words, the phone is only used there as a modem connection.

There does not seem to be any consideration in Kracht of discovering a phone in a computer network, and providing an icon on a network map relating to that phone. Furthermore there is no teaching of trying to discover a phone on a network. Kracht is completely silent on the problems of discovering a phone on a network, and using the solutions set out by the present invention as recited in the claims. For example, because phones are unmanaged devices, the telephones will normally appear as generic devices using conventional discovering techniques. (Spec, p. 2, lines 22-23). The present claims recite techniques for discovering phones on a network to solve such a concern. In contrast, Kracht only teaches a discovery mechanism to discover known devices by first contacting an SNMP agent of each device. However, Ethernet phones do not support the SNMP protocol. Thus, discovering the network using SNMP will mean that the Ethernet phones will appear as unmanaged generic devices, in other words, the SNMP protocol will not allow for proper discovery of those phones. (See Spec, p. 5, lines 5-16).

The present Office States that:

Applicant is arguing Kracht does not disclose Ethernet phones. This limitation [sic] are not found in the claims. Claimed subject matter not the specification is the measure of the invention.

Office Action at p. 9.

In order to expedite prosecution of the pending claims, Applicants' have amended Independent Claims 1 and 12 to expressly recite that such claims are directed to "Ethernet phones." As such Applicants respectfully submit that, in view of the remarks above, the present application is in condition for allowance and solicit action to that end.

If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-0001.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: September 8, 2006

By: 

Thomas E. Wettermann
Reg. No. 41,523